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THE VALIAMMA THAMPURAN KOVILAKAM ESTATE AND THE PALACE FUND (PARTITION) BILL, 1960

(*Report of the Select Committee*)

The Select Committee to which the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) Bill, 1960, was referred have considered the Bill clause by clause and now submit this their report with the Bill as amended by the Select Committee annexed thereto.

2. The Bill was published in the Gazette Extraordinary dated 14th December 1960.

3. The Bill was introduced in the Assembly on 2nd March 1960 and the motion for reference of the Bill to a Select Committee was adopted on the same date.

4. The Committee met on the 8th March 1960. The changes proposed by the Committee and the reasons therefor are set out in the following paragraph.

5. The Committee was of the opinion that a provision should be made in the Bill for the payment of amounts due to the employees by way of pay, gratuity etc., and that a charge should be provided for the said amounts on the Estate and the Palace Fund. Accordingly a new clause has been inserted as clause 9 and the existing clauses 9 and 10 have been renumbered as clauses 10 and 11 respectively.

K. CHANDRASEKHARAN,
Chairman of the Select Committee.

THE VALIAMMA THAMPURAN KOVILAKAM ESTATE AND THE PALACE FUND (PARTITION) BILL, 1960

(*As amended by the Select Committee*)

(Words underlined or sidelined indicate amendments suggested by the Committee)

A

BILL

to make provision for the partition of the Valiamma Thampuran Kovilakam Estate and the Palace Fund.

Preamble.—WHEREAS it is considered necessary to make provision for the partition of the Valiamma Thampuran Kovilakam Estate and the Palace Fund belonging to the family of the Maharaja of Cochin;

BE it enacted in the Eleventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) Act, 1960.

(2) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Board" means the Board of Trustees appointed under Section 3 of the Proclamation;

(b) "Estate" means the Valiamma Thampuran Kovilakam Estate and all properties belonging to the said Estate;

(c) "Maharaja of Cochin" means the Ruler of the former State of Cochin within the meaning of clause (22) of Article 366 of the Constitution of India;

(d) "Member" means a member of the family of the Maharaja of Cochin;

(e) "Palace Fund" shall have the same meaning as in clause (c) of section 2 of the Proclamation;

(f) "Proclamation" means the Proclamation (IX of 1124) dated 29th June, 1949 promulgated by the Maharaja of Cochin.

3. *Maharaja of Cochin to order partition.*—(1) Notwithstanding anything contained in section 22 of the Proclamation, if a request in writing is made by the majority of the major members, and the Maharaja of Cochin is satisfied that in the interests of the family it would be desirable to partition the Estate and the Palace Fund, among all the members, he may declare his decision to effect a partition under his supervision and control, and direct the Board to proceed with the partition.

(2) The decision of the Maharaja of Cochin under sub-section (1) shall be published by the Board in the Gazette in English and Malayalam, and a copy of the notification shall be affixed in a conspicuous place at the office of the Board.

4. *Share of members.*—(1) Each member shall be entitled to an equal share of the Estate and the Palace Fund.

(2) The share obtained by a member on partition shall be the separate property of the member.

(3) A child who is in the womb on the date of the publication of the decision under section 3 and who is subsequently born alive shall have the same right for a share in the Estate and the Palace Fund as any other member as if he or she had been born on or before the date of such publication.

5. *Power to exclude properties from partition.*—(1) Notwithstanding anything contained in section 3, the Maharaja of Cochin may, if he is satisfied that any specified property or properties of the Estate and the Palace Fund shall not be partitioned, but shall remain as common property for the benefit of the family, exclude such property or properties from being partitioned.

(2) Any property excluded under sub-section (1) shall be subject to the management of the Board and the provisions of the Proclamation shall apply to such property.

6. *Execution and registration of partition deed.*—The deed of partition shall be executed on behalf of all the members by the Maharaja of Cochin and the members of the Board and shall be binding on all the members of the family and shall be registered under the provisions of the Indian Registration Act, 1908 (Central Act 16 of 1908).

7. *Suit for partition barred.*—Nothing in this Act shall be deemed to confer on any member the right to institute a suit for partition of the Estate and the Palace Fund.

8. *Personal privileges of the Maharaja not to be affected.*—The partition of the Estate and the Palace Fund under the provisions of this Act shall not be deemed to affect the personal rights, privileges, dignities and titles guaranteed to the Maharaja of Cochin and to the members of his family by the Covenant entered into by the Rulers of Travancore and Cochin for the formation of the State of Travancore-Cochin.

9. *Pay, pension etc., of employees to be a charge.*—The partition of the Estate and the Palace Fund under the provisions of this Act shall not affect the claims of any employee for the pay, gratuity or provident fund due to him immediately before partition and suitable provision shall be made in partition for payment of such amounts out of the Estate and the Palace Fund. The amounts due to the employees by way of pay, gratuity or provident fund shall be a charge on the Estate and the Palace Fund.

10. *Amendment of the Hindu Succession Act, 1956.*—Clause (iii) of section 5 of the Hindu Succession Act, 1956 (Central Act 30 of 1956), shall be omitted with effect on and from the date of the execution of the partition deed under section 6.

11. *Amendment of the Proclamation.*—In the Proclamation (IX of 1124) dated 29th June, 1949, promulgated by the Maharaja of Cochin.—

(i) in section 4, for the words "so as to secure representation for each of the four main thavazhies", the words "so as to secure representation, as far as possible, for each of the four main thavazhies" shall be substituted;

(ii) sub-section (2) of section 21 shall be omitted.

D. TIRUMALAI,
Secretary,
Legislative Assembly.